

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 130 Session of
1993

INTRODUCED BY MCGEEHAN, MIHALICH, GEIST, SAURMAN, PETRARCA,
M. N. WRIGHT, PESCI, DENT, ULIANA, KREBS, PRESTON, TOMLINSON,
WOGAN, O'BRIEN, LEDERER, DeWEESE, KELLER, REINARD, MASLAND,
BATTISTO, OLASZ, PERZEL, STURLA, HECKLER, COLAFELLA, HASAY,
GODSHALL, HESS, BEBKO-JONES, GERLACH, J. TAYLOR AND LYNCH,
FEBRUARY 1, 1993

REFERRED TO COMMITTEE ON RULES, FEBRUARY 1, 1993

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, defining an offense relating to
3 vandalism of property; providing penalties; and making
4 repeals.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Sections 3307 and 3309 of Title 18 of the
8 Pennsylvania Consolidated Statutes are repealed.

9 Section 2. Title 18 is amended by adding a section to read:

10 § 3310. Vandalism.

11 (a) Offense defined.--It shall be unlawful for any person to
12 deface, vandalize, mark or paint upon, desecrate as defined in
13 section 5509 (relating to desecration of venerated objects), or
14 otherwise damage any of the following:

15 (1) Any church, synagogue or other facility or place
16 used for religious worship or other religious purposes.

17 (2) Any cemetery, mortuary or other facility used for

1 the purpose of burial or memorializing the dead.

2 (3) Any school, educational facility, community center,
3 municipal building, courthouse facility or juvenile detention
4 center.

5 (4) The grounds adjacent to and owned or occupied by any
6 facility set forth in paragraph (1), (2) or (3).

7 (5) Any personal property located in any facility set
8 forth in paragraphs (1) through (4).

9 (6) Any real or personal property used in farming or
10 other agricultural activity.

11 (7) Any other real or personal property of another.

12 (b) Grading.--

13 (1) A person who knowingly or intentionally violates
14 subsection (a) commits a felony of the third degree if the
15 act is one of desecration as defined in section 5509 or if
16 the actor causes pecuniary loss in excess of \$5,000 or if the
17 offense constitutes a third or subsequent conviction for a
18 violation of the provisions of subsection (a), regardless of
19 the grading of the prior offenses.

20 (2) A person who knowingly or intentionally violates the
21 provisions of subsection (a) commits a misdemeanor of the
22 first degree if the actor causes pecuniary loss in excess of
23 \$1,000 or if the offense constitutes a second conviction for
24 a violation of the provisions of subsection (a), regardless
25 of the grading of the previous offenses.

26 (3) A person who otherwise knowingly or intentionally
27 violates the provisions of subsection (a)(1) through (5)
28 commits a misdemeanor of the second degree.

29 (4) A person who knowingly, intentionally or recklessly
30 violates the provisions of subsection (a)(6) commits a

1 misdemeanor of the second degree if the actor causes
2 pecuniary loss in excess of \$500.

3 (5) A person who otherwise knowingly, intentionally or
4 recklessly violates the provisions of subsection (a)(6) or
5 knowingly, intentionally or recklessly violates the
6 provisions of subsection (a)(7) and causes pecuniary loss in
7 excess of \$500 commits a misdemeanor of the third degree.

8 (6) A person who otherwise knowingly, intentionally or
9 recklessly violates subsection (a)(7) commits a summary
10 offense.

11 (c) Restitution.--

12 (1) In addition to any penalty imposed under subsection
13 (b), the court shall sentence an adult offender or the
14 parents or legal guardian of a minor offender to make full
15 restitution to the victim of the offense for all of the
16 victim's pecuniary loss.

17 (2) In the case of an adult, restitution shall be
18 imposed under section 1106 (relating to restitution for
19 injuries to person or property). An order for restitution in
20 connection with an offense under this section shall, however,
21 be mandatory and for the full amount of the victim's loss.

22 (3) In the case of a minor, restitution shall be imposed
23 under 23 Pa.C.S. § 5503 (relating to establishing liability
24 in criminal or juvenile proceedings). The provisions of 23
25 Pa.C.S. § 5505 (relating to monetary limits of liability)
26 shall not, however, apply. The imposition of restitution
27 shall be mandatory and for the full amount of the victim's
28 loss.

29 (4) The amount of pecuniary loss in relation to damage
30 of real property shall be ascertained by a certified

1 Pennsylvania evaluator.

2 (d) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection:

5 "Agricultural activity" and "farming." The commercial
6 production of agricultural crops, livestock or livestock
7 products, poultry or poultry products, milk, eggs or dairy
8 products, or fruits or other horticultural products.

9 "Minor." A person under 18 years of age.

10 "Pecuniary loss." Includes the cost of repair or replacement
11 of the property affected.

12 Section 3. All acts and parts of acts are repealed insofar
13 as they are inconsistent with this act.

14 Section 4. This act shall take effect in 60 days.